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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,561	05/31/2001	Hee-Sun Cho	678-667 (P9391)	1131
7590	11/10/2003		EXAMINER	
Paul J. Farrell, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553			NOLAN, DANIEL A	
		ART UNIT	PAPER NUMBER	
			2654	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/871,561	Applicant(s) CHO ET AL.
	Examiner Daniel A. Nolan	Art Unit 2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 May 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Issues arising from the language used in the immediate application require that this explanation be provided to distinguish between the separate processes of "voice recognition" and "speech recognition." Voice recognition identifies individuals by sound, while speech recognition derives meaning from utterances. The USPTO categorizes these separately as class/subclasses 704/246 and 704/251, respectively.

Specification

2. The use of the trademark "Qualcomm's MSM™ chip" has been noted in this application (page 3 line 15). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "*Dual-Mode Radio Mobile Terminal with Voice Functions, where Mode is Determined by Operation*".

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4. The disclosure is objected to because of the following informalities:

- The word "*moving*" is not correct (page 3 line 16). The Examiner is proceeding with the understanding that the word is unnecessary and can be disregarded.
- "*Cannot*" should be 1 word (page 3 lines 21 & 24) for consistency (line 24).
- "*Recognition*" is misspelled (page 8 line 5).
- The paragraph of page 4 (line 22) is subject to interpretation as to whether the phrase beginning "corresponding to..." pertains to the call request signal (line 21) or the voice function (line 22). The Examiner is proceeding with the understanding that the voice registration is supported by – so corresponds to – the voice (processing) function.
- In accord with the opening statement of this action, the term "speech" should be used for "voice" (in page 3 line 7, page 8 line 5) where meaningful text is a required objective, as for dialing.

Appropriate correction is required.

Claim Objections

5. Claims 1, 5 and 6 are objected to because of the following informalities:

- In accord with the opening statement of this action and in consideration that the specification is required to employ the term "speech processing", the term "voice recognition" in the claims becomes subject to interpretation.

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- Because the antecedent basis of the specification requires that the claims support "voice dialing", the Examiner is proceeding with the understanding that the intent is to claim the feature of "speech recognition".

Appropriate correction is required.

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because figure 1 includes reference signs (101, 102, 106 & 110) not mentioned in the description.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Heidari⁹⁵⁷ & Hoffman

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari⁹⁵⁷ (U.S. Patent 5,790,957 A) in view of Hoffman (U.S. Patent 6,622,017 B1).

10. Regarding claim 1, the invention for *speech recall in cellular telephone* by Heidari⁹⁵⁷ reads on the features of the claim for *operating a voice function for outputting a voice memo in a dual-mode radio mobile terminal* (column 1 lines 60-62), *the terminal including a vocoder* (taught at column 1 lines 33-37 & 43-47 as reason to be utilized in column 2 line 45) *for converting data between PCM format and packet format*.

Heidari⁹⁵⁷ (column 8 lines 55-62) further reads on the steps of *determining whether a request for the voice function is input or not* (column 8 lines 58-59), *switching the vocoder into digital mode to operate the voice function* and (column 8 lines 63-67) *operating the voice function in digital mode*.

Heidari⁹⁵⁷ does not specifically include *speech recognition* as one of the supported voice operations. The invention for *over-the-air programming of wireless terminal features* by Hoffman (column 2 lines 50-51) reads on the feature *for including a voice recognition function*. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method and/or teachings of Hoffman to the device/method of Heidari⁹⁵⁷ so as to offer added service upgrades to provide additional revenue.

11. Regarding claim 2, the claim is set forth with the same limits as claim 1. Heidari⁹⁵⁷ (column 3 lines 35-50) reads on the feature that *the vocoder is switched from PCM mode to packet mode* (as with route changing from *analog to digital* in column 3 line 45).

Heidari⁹⁵⁷, Hoffman & Kim

12. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari⁹⁵⁷ in view of Hoffman and further in view of Kim (U.S. Patent 6,421,353).

13. Regarding claim 3, the claim is set forth with the same limits as claim 2. While both Heidari⁹⁵⁷ and Hoffman provide the means to switch between coding types, neither mention *returning the vocoder to PCM (for analog) mode if a call request is input during packet (for digital) voice operation*. The *mobile radio telephone recording & reproducing voice control* of Kim reads on the step of switching the vocoder back to

PCM mode (60→70 in figure 4) if a call request is input during operation of the voice function in packet mode (column 6 lines 40-43). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method and/or teachings of Kim to the device/method of Heidari⁹⁵⁷ & Hoffman so as to free the finite signal processing resource from task that can be resumed, for an immediate request.

14. Regarding claim 4, the claim is set forth with the same limits as claim 2.

Neither Heidari⁹⁵⁷ nor Hoffman mention returning the vocoder to PCM (or analog) mode if the voice function is terminated. Kim (column 6 lines 56-60) reads on *the step of switching the vocoder back to PCM mode if the voice function is terminated*, which would have made it obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Kim to the device/method of Heidari⁹⁵⁷ & Hoffman so as to have the parameters set to the predetermined default idle state to allow the controller to set the parameters for a next signal from a known state.

15. *Regarding claim 5, the features of operating a voice function including speaker's voice recognition and output of stored information by voice in a mobile terminal, the mobile terminal including a vocoder for converting data between PCM format and packet format, with the steps of determining whether a request for the voice function is*

input or not and operating the voice function are the same as those found in claim 1 and the rejections are applied to this claim for the same reasons.

Neither Heidari⁹⁵⁷ nor Hoffman specifically include the limitation of *switching the vocoder from PCM mode to packet mode*. Kim (column 4 lines 6-9) reads on the step of *switching the vocoder from PCM mode to packet mode* and (column 6 lines 57-60) reads on the step of *switching the vocoder back to PCM mode if the voice function is terminated*. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Kim to the device/method of Heidari⁹⁵⁷ & Hoffman so as to be in accordance with the standard QCELP required algorithm.

16. Regarding claim 6, the features of *operating a voice function including speaker's voice recognition and output of stored information by voice in a mobile terminal, the mobile terminal including a vocoder for converting data between PCM format and packet format, with the steps of determining whether a request for the voice function is input or not, switching a vocoder from PCM mode to packet mode, operating the voice function and switching the vocoder back to PCM mode if the voice function is terminated* are the same as those found in claim 5 and the rejections cited in response to those features there are applied to this claim for the same reasons. Heidari⁹⁵⁷ (column 9 lines 1-8) reads on the step of *selecting one of voice recognition function and voice output function*.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Brophy et al (U.S. Patent 6,070,089 A) vocoder bypass control utilizing inband signaling.
- Aftelak (U.S. Patent 6,134,242 A) method of reverting to tandem operation between transcoders of a communication system.
- Heidari⁸⁹³ (U.S. Patent 5,550,893 A) speech compensation in dual-mode telephone.
- Doshi et al (U.S. Patent 5,729,536 A) cellular system architectures supporting data services.
- Katayanagi et al (Japan Patent 11-178065) voice code processing section changeover and stored voice data are reproduced in response to a reproduction request of the user independently of the communication mode.
- Kiuchi et al (Japan Patent 10-243453) iridium main body terminal and ground wave portable terminal to connect PCM data sent to a vocoder detected by a detection circuit, a selection key and a permission circuit.

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

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If attempts to contact the examiner by telephone are unsuccessful, supervisor Richemond Dorvil can be reached at (703)305-9645.

The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

or mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or hand-delivered to: Crystal Park 2,
2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan
Examiner
Art Unit 2654

DAN/d
November 4, 2003

DANIEL NOLAN
PATENT EXAMINER

